series made up solely of males. To this are added noteworthy collateral ancestors and, in the one or two generations closest to the chieftain in question, all of the collaterals, including the names of wives, sisters, and the latter's husbands. The importance of such a lineage lies in the fact that it is the sole patent of nobility, itself a matter of the highest social importance, and is of considerable value in the arrangement of marriages and the knowledge of one's potential friends and enemies. It is usually associated with a certain amount of folk history, the wars, revolts, feuds, and other deeds with which its personnel were concerned. Commoners are able to reproduce to some extent the lineage of their chieftain, for, as has been noticed, the honor of their leader is also their own, and animated conversations on such topics as aristocratic marriages and lineages offer an everyday source of entertainment. Unlike the mal, the familiya is not associated with a single house, and its members may live in a large number of separate establishments.

It is convenient here to dismiss the question of inheritance with a cursory survey. Inheritance is not a matter over which the Kurdish populace exercises any unique control, because it was defined in the Quran and supplemented over the centuries by the jurists and doctors of Islam. A whole branch of Islamic jurisprudence is concerned with this complex question, and a number of popular expositions are available to the general reader.[1] In

[1] Caudefroy-Demombynes, 1946, pp. 143-151.

Rowanduz a will is a legal instrument which must be formulated in the presence of the judge and registered with a katib al-'adil or government notary, either of the serai or the court. If a person dies intestate, as in the case of most persons of the lower classes, and a quarrel ensues over the disposition of his property, this must also be settled by court action. In general, however, each of the sons of the deceased is entitled to one share and each of the daughters to a half-share, after the widow has received a stipulated eighth of the total property. In the absence of some of these heirs, certain relatives in a fixed order may present claims for varying percentages, a subject too complicated to be examined in detail here. If the heir is an orphan, the property is administered by a department of the government, the Amwal al-Gasarin, until he reaches maturity. A woman usually disposes of her property, her dowry, jewelry, and household goods, as she pleases, although this too can be brought to the bar. Thus the quarrels and complications which can arise in inheritance are settled by action of the judge, and the townspeople themselves, unless they have been engaged in such a suit, know little of the intricacies.

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Two of the most striking features of Islamic inheritance are that a woman, although she is protected by certain specified percentages, does not receive a sum equal to that of a man, and that the estate of the deceased is not transferred intact to any one person, as in primogeniture, but is parcelled out among the several heirs,

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each son having the same claim as his brothers. The latter custom is reflected in the transmission of aristocratic Kurdish titles. All of the sons of a chieftain, irrespective of age or the rank of their mothers, receive the title of the father and enjoy an equal share in the property. Tribal chieftainship, as opposed to feudal overlordship, is usually settled on the eldest son, despite of the fact that the remaining brothers continue to enjoy the privileges of rank and share in the goods of the estate. Thus, if men have a plurality of sons and daughters in each generation and the original holding is unsupplemented by additional gains, it follows that an individual's inheritance grows progressively smaller with each death. Among the Muslim peasantry, where the amount of arable land is limited, as in certain areas in Egypt or in Syria, a single person's plot can soon diminish to a size insufficient to support a couple and the luckless legatee must seek employment elsewhere, usually as a tenant cultivator on some larger holding. The situation in Kurdistan is not quite as difficult, inasmuch as a person can always cut out a new field from the unclaimed lands of the state domain. In a situation in which the brothers or other relatives have quarrelled, property which by virtue of its size could guarantee an income for all can be reduced through inheritance into segments which are far from profitable. The practice in such cases, commonly handled by process of law, is to sell the property in question and to apportion each his share in money. It

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is difficult, if not impossible, for even the cleverest jurist to circumvent the equality of sons in inheritance, for this has the direct sanction of religion. 428● 423

For the most part, however, settlements are amicable and it is unnecessary for the heirs to have recourse to the court. In such cases, the legal division of property is often fictional and need not adhere to the exact provisions of the law. Instead of selling the house, the land, or the shop, the eldest brother or, in the minority of the sons, a paternal uncle or some other relative [429] assumes the role of administrator and things continue much as they did before. To provide an example, a blacksmith [326] in Rowanduz owned a small house and maintained a shop in the bazar. On his death, his two sons, who chose to follow their father's calling, continued to work together in the shop, and ultimately the younger, with the aid of his brother, was able to obtain a house of his own. At no time was there a legal accounting, although one may suppose that the two had some knowledge of the value of the property and reached an agreement, perhaps tacitly, of their own. In another, more exact way, the eldest son often purchases gradually the shares of his brothers, keeping the estate intact. In some cases, a man apportions most of his wealth before his death, attempting to satisfy all of his heirs. As noticed above, a younger son is often accorded a separate establishment. It is said that a landowner can transfer his title, held in the tapu, registered land, office in the serai, to one son during

his lifetime, but it is difficult to see, in view of the inexorable character of the civil code reinforced by scripture, how one heir might be completely cut off in favor of another, and no examples could be elicited. If a man wished to disinherit all his relatives, a doubtful event, he could do this best by leaving his property to the Islamic faith, making of it a waqf or pious bequest, a legacy which is just as hard to get around as the equality of the claims of sons.

The bulk of the estate, animals, houses, land, tools, or capital, is commonly owned by males, although there is no reason why a woman cannot possess them as well. Lali Khan, since the death of Isma'il Beg and the imprisonment of her closest male relatives, offers a case in point. Generally speaking, however, the outstanding property of most women consists of a dowry, jewelry, and household goods. The dowry (mahr, from Arabic) in the generality of Islamic society, and at Rowanduz, is paid in money by the bridegroom to the father or guardian of the girl. It consists of two parts, the muqqadam and the mu'akhar, stipulated in the contract of marriage. The first, a half or two-thirds of the total amount, is paid in cash at the time the marriage contract is signed to the parent of the bride who is responsible for its administration. The second part, the remainder of the sum, must be paid to the woman if she is divorced against her will or widowed. As might be expected, it is not required for

his father's brother's daughter is held as an inexorable rule, it can be seen that marriages must be arranged between pairs of brothers and sisters who are cousins to each other. Thus, one's father and father's brother are married to his mother and mother's sister respectively, and the mother's brothers and father's sisters make up third and fourth couples. If two things are envisaged, patrilocal residence and Islamic inheritance, it can be appreciated in the first regard that both the paternal and maternal aunts are parties to an individual's residence, the first, the wife of the mother's brother, before she is married, and the second, the wife of the father's brother, after her wedding. Both paternal and maternal aunts are described by the same kinship term, pilk. On the other hand, the paternal and maternal uncles are differentiated, called mam and khal respectively. The first lives under the parental roof of the individual concerned, and the latter marries this uncle's daughter. The maternal uncle, as has been seen, rarely, if ever, lives in the same house as his married sister, and in the system imagined here, one cannot marry his daughter. As far as inheritance is concerned, it has been noted that the property is divided, each son receiving a share and each daughter a half-share. If there are offspring, a man cannot claim any part of the estate of his maternal uncles or aunts. If, however, he is married to the daughter of a paternal uncle, his wife receives a half-share of her father's property, just as his sister, wed to the son of the paternal uncle, is given a

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half-share of the holdings of his father. Such a system 428
is immediately divergent, because, although there is an 582
exchange of marriages between cousins in one's own generation, 604
the strains divide in the next. A man's children must intermarry with those of his brother, and would not, for example, espouse those of his cousins. The larger proportion of the property, the full male shares, follow the same divergent lines.

Such an idealized system, however, does not seem to 582
exist. A man is permitted to marry any of his other cousins, the daughters of his paternal aunt, maternal uncle, or maternal aunt, or, as often happens, can take a wife completely unrelated to him. In Rowanduz, unlike certain other groups reported in the Middle East, there does not appear to be any hierarchy of preference among the cousins after the daughter of the father's brother. It was not possible to compile a list of marriages extensive enough to permit definitive comment on the relative frequency of these five types of marriage. Nevertheless, from examples, there appeared to be a high percentage of matches between unrelated persons. Coupled with this was the inability of most persons in the town to name their relatives beyond their grandparents, uncles and aunts, first cousins, and immediate family. This group, incidentally, corresponds closely with that outlined as making up the mal or "house" 596
in its most extensive sense. In addition, they were able to name the parents, some of the uncles, aunts, brothers, and sisters of their wives. A scattering of the in-laws of

knowledge of radio. She also always referred to the investigator as "the gentleman from Mosul," the farthest point of her geography. Without entering into extended discussion, it might be said here, in concluding the remarks on adult entertainment, that the educational level of the townspeople, excepting those who have attended school, is extremely low. One often offered persons of the lower class in Rowanduz and later in Egypt a small sum if they could name the first four caliphs, equivalent to asking an American or European Christian for the names of the first four books of the New Testament, and it was surprising how few were able to accomplish this seemingly easy feat. 871 [823]

If a man feels that he is approaching death, he often makes out his will in advance, a formality regulated by the government and arranged through the court of the judge. If a rich person has been unable to make the pilgrimage to Mecca during his lifetime, he usually sets aside a certain amount to be paid to someone who will make the journey in his name. Persons of great wealth or chieftains occasionally allot sums to be given to poor people who visit their graves and recite a prayer for them. When death takes place, all of the female relatives of the deceased and their friends gather at the house. "A certain old woman comes who sings in such a way that the people weep. This is Amina Hakim who is also the corpse-washer, mirdu shor, for the women. She earns her livelihood by serving in the houses of the rich, 763 [428] [788] [765] 764 767 [533]

3: Barth E-5 (1951) 1954 MA11 Kurd MA11

No religious or ritual

mechanism exists for bringing together any group larger than the village, and no symbiotic relations of a practical or ritual nature have been developed.

This organizational form is associated with a strong emphasis on the father's brother's daughter as preferred spouse, and marked tendency to close family endogamy. The strength of emphasis is indicated by (1) expressed norms, (2) relative brideprice, and (3) actual statistical occurrence.

(1) Informants agree that paternal cousins have first rights to a girl, and where the father of a girl contemplates giving her in marriage to anyone else, the paternal cousin must first release her by renouncing his claim. Cases of violence resulting from breach of this obligation on the part of the father were collected in the field and have been recorded by others in the literature.[8] Giving one's daughter to a brother's son is further considered thoughtful and proper: the father knows his daughter's spouse well, and will also be able to exert some control over his actions toward her after marriage; marriage should be between equals, and no one is closer in status and sentiments than a paternal cousin. Small children are pleasantly embarrassed when teased for being "in love" with their paternal cousin. The importance of endogamy in maintaining family property is also recognized, though the problem only arises with any degree of gravity where Koranic laws of inheritance, giving stipulated fractions of the estate to female descendants, are strictly followed, and this does not generally seem to be the case.

(2) It is an agreed privilege for paternal cousins, to less extent also other near kin, to receive the girl at a reduced brideprice. The normal brideprice for village girls ranges between £30-100. Paternal cousins generally pay only wedding expenses.

(3) The actual frequency of father's brother's daughter, and other cousin, marriage is high, apparently ranging around fifty percent. The degree of relationship between all living spouses in two normal sized Hamawand villages fall into the following categories:

Fa and Mo						
FaBrDa (amoxza)	MoBrDa (khaloxza)	SiDa (purza)	Other relative	Unrelated, in village	Other village	Total
9	1	2	3	2	4	21

Taking the normal fluctuations in size and sex distribution of sibling groups into account, this probably approximates the maximal frequency that marriage with actual, non-classificatory paternal cousin can reasonably attain.

8 E.g. W. R. Hay, *Two Years in Kurdistan* (London, 1921), p. 71.

3: Barth E-5 (1951) 1954 MA11 Kurd MA11

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In many areas of the Middle East, a pattern of close family endogamy and preferential father's brother's daughter marriage has been assumed to be associated with a desire to maintain family property in the face of Koranic rules of inheritance. The apparently exceptionally high frequency of father's brother's daughter marriage among the Kurdish tribes with lineage organization, and possibly among other groups with a similar organization, requires separate explanation. The thesis of this short discussion has been that such a pattern of father's brother's daughter marriage plays a prominent role in solidifying the minimal lineage as a corporate group in factional struggle. Marriages of this type thus serve to reinforce the political implications of the lineage system, *not*, as in most African systems, relative to the relations between whole lineages, but here, on the contrary, relative to the first potential lines of fission and segmentation within the minimal lineage itself.

Universitetets Etnografiske Museum
Oslo, Norway

7: Barth E-5 (1951) 1953 MA11 Kurd MA11

laborer-tenant-intermediary-absentee landowner, differs radically from that generally associated with tribal organization, which includes relatively few laborers and/or *Meskjin*, and a majority of freeholding farmers.

The incompatibility of categories from these two class hierarchies is evident, as is the tendency for the hierarchy embodying most power — i. e. the more highly centralized organization headed by the landowner — to replace the other. The absentee landowner who owns only part of the land of a village, will find his powers greatly impaired by the co-existance of freeholding farmers with his tenants in the local community. The sanctions by which he disciplines his tenants are reduced in effect — eviction from land is less serious, eviction from the village dependent on the vote of villagers outside his control. Similarly, he would be limited in his freedom to settle new farmers on the land by a veto on the part of the freeholding farmers, who could refuse the newcomer village membership. The village headman would almost certainly be elected from among the freeholding farmers, and serve as a coordinator of opposition to the landowner, etc. etc. The landowner, occupying the part-status that embodies most power in this situation of conflicting interests will tend to apply his powers to eliminate the incompatible status category — in this case by buying or forcibly taking over the proprietary rights on the remaining land, and giving the formerly freeholding farmers tenant status.

Where the right to eviction, and in fact the final powers of decision in all village matters, are taken away from the formerly freeholding farmer group, it becomes impossible for it to control a class of *Meskjin* serfs, and this status group is similarly eliminated, and presumably assimilated as tenant farmers of lower status, following from their lower wealth.

A second major agent of change, or at times a concomitant of these economic changes, is the factor of modification of the administrative system by external administration. The tribal administrative mechanism, based on «unquestioned» kinship-patterned loyalties, has been discussed above (pp. 69 ff). Where external administration — large absentee landowner or central government alike — enters and

8: Leach E-5 (1938) 1940 MA11 Kurd MA11
Rowanduz

he owns several as in the case of Sheikh Mohammad Agha of Walash or Hamid Amin Beg of Dergala, he will live in one himself and appoint headmen (kokha) as his agents in the other villages. In theory the Agha is the absolute owner of all the land in the gund,* the villagers occupy and cultivate the land in the capacity of tenants and in return pay him, in theory at any rate, the seemingly staggering rental of 50% of the yield of the land. Again in theory the Agha has absolute discretion to evict any tenant he disapproves of, and similarly the tenant is free to leave whenever he chooses; the only property that the tenant possesses in his own right are ordinary household belongings, the roof beams of his house, and his personal livestock. Practise probably differs markedly from theory. So far as I could judge in the Balik country at any rate at least 90% of the population of any gund were not only Balik tribesmen but also members of the Agha's own taifa, many of them being his near kinsmen. It would seem then that the Agha's right of eviction remains theoretical except under extreme provocation. In practise the right of tenancy is heriditable. This latter point was confirmed to me by Sheikh Mohammad Agha of Walash; the way he put it was that when a tenant died he, the Agha, could do whatever he liked with the land, but that "as a rule" he gave it to the deceased's son or brother whichever was the most suitable. It may be noted that such a procedure would tend to prevent the land being split up into a vast number of small holdings by the process of inheritance, and would also provide an economic bond between the members of the smaller extended family groups.

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The tribal custom here is not, as might at first sight appear, at variance with Mohammedan law. According to the Koranic rule a man's testimentary rights are limited and most of his "property" (mulk) is passed on in defined proportions to certain specific relatives. Land however is for the most part excluded in the term mulk. The actual legal position as it applies to land tenure in Iraq is somewhat involved and the interested reader should refer direct to Sir E. Dowson's "An Inquiry into Land Tenure and Related Questions" (Iraq Government 1932). The following account summarises the position.

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The legal situation regarding the inheritance of land tenure is defined by the Ottoman Land Code of 1858, and certain subsidiary enactments of the old Turkish Empire. This recognises five classes of

*I have no data to show what rental is really paid. I was assured on several different occasions and in different contexts at Nampurdan, Walash and Dergala that the normal arrangement is for the Agha to receive half the gross yield of the land if the tenant provides his own cattle, implements, seed, etc., but two thirds of the gross yield if the Agha provides the seed, implements, etc. According to Hay (p. 68) the figure is only 10% of the yield. But as I shall show presently a 50% rental is probably not as excessive as it sounds.

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8: Leach E-5 (1938) 1940 MA11 Kurd MA11
Rowanduz

.423 land tenure Mulk, Miri, Waqf, Matruka and Mewat. These categories
• 428 however do not apply accurately to present day Iraq conditions, the term miri in particular being in practice used in a different sense to that implied by the Land Code. The effective categories appear to be three in number

1) Mulk (property) - undiluted ownership; owners rights and inheritance being dictated by the Koranic sacred law.

2) Tapu - state land, the legal possession of which is granted out on the registered tenure laid down in Book 1 of the Land Code. Inheritance of this land is entailed to the direct descendants of the original holders, though actual ownership continues to be vested in the state.

3) Miri - state land, retained in full legal ownership and possession of the state which may be exploited directly or indirectly at its discretion subject to due recognition of established occupancy rights. In effect miri land simply represents the overwhelming residue of the country not held in mulk or tapu tenure.

So far as the area of this study is concerned very little if any agricultural land is held in mulk tenure and this category applies, I think, only to town property. Most of area C is held in tapu tenure and some portions of area B also. Area A is exclusively miri land so that in legal theory the tribes are here tenants of the state

Such subtle distinctions are not clearly understood by the Kurdish tribesmen, and as Dowson's study shows the position is in fact confused and provides many opportunities for corruption. In the Balik area there seemed to be a movement on foot to get the tribal land made tapu in the name of the clan leaders. Ali Agha of Rayat for instance was anxious to have the Shevdini territory "registered" in his name and seemed to think that it was merely a question of bribing the right people. Such a development would be strongly resisted by Sheikh Mohammad Agha of Walash since it would infringe his nominal overlordship over the whole Balik territory.

So far as the question of inheritance is concerned the position is legally clear. None of the Kurdish land is mulk and accordingly none of it is subject to the Koranic stipulations. The attitude of the Aghas however is not very clear. Sheikh Mohammad Agha for example was very insistant that all the land of the Balik was his personal property, which was somewhat inconsistent since he certainly did not mean to imply that the territory would be divided up among his relatives when he died. It is quite definite in fact that where land is concerned the various claims to "ownership" are not correlated with any principle of Koranic inheritance.